

**PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

To: See Attached List

Re: Request for Information Pursuant to Section 104 of CERCLA  
Superior Barrel and Drum Site, Elk, Gloucester County, New Jersey

Dear Sir/Madam:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9601, et seq. (also known as the "Superfund" law). For your information, a copy of the Superfund law may be found at [www.epa.gov/superfund/action/law/index.htm](http://www.epa.gov/superfund/action/law/index.htm).

This letter seeks your cooperation in providing information and documents relating to the Superior Barrel and Drum Superfund Site (the "Site") located at 798 Jacob Harris Lane, (formerly New Jersey Avenue), Elk, Gloucester County, New Jersey. EPA encourages you to give this letter your immediate attention. A complete and truthful response must be provided to the attached Request for Information **within 30 days** of your receipt of this letter.

EPA has documented the release and threatened release of hazardous substances into the environment at the Site. Our records indicate that your company may have done business with Superior Barrel and Drum Company, Inc. ("SBD"), which was in operation from approximately 1974 to September, 2013, when EPA began a removal action at the Site. EPA requests your cooperation with regard to answering the attached questions concerning your business relationship with SBD, if any, and providing the requested supporting documentation.

Past operations at the Site included the recycling, reprocessing and reconditioning of drums. The five and a half-acre, unpaved Site consists of two former operational areas (2.4 acres and 0.32 acre in size). The main area includes a drum reprocessing building with containers located throughout. The second operational area was mainly utilized for storage of hundreds of full 275-gallon totes and 55-gallon drums, in addition to several

trailers holding containers. Both operational areas showed signs of impact from leaking containers or dumping of materials.

On August 30, 2013 EPA On-Scene Coordinators ("OSCs") met with the New Jersey Department of Environmental Protection ("NJDEP") and Gloucester County officials at the Site. They observed thousands of containers, which appeared to be full of contents. Many were located along a public road (Jacob Harris Lane) as well as in the woods, wetlands and elsewhere throughout the property in various states of deterioration. The containers were found to be leaking, void of tops, exposed to the weather elements, rusted, damaged from gunshots, stored improperly and laying on their sides. There were also numerous open trailers also containing 55-gallon drums throughout the Site. The NJDEP collected drum samples which indicated the presence of corrosive and highly flammable materials as well as high levels of toxic chemicals.

EPA performed a removal site evaluation at the Site from September 13, 2013 through September 27, 2013 to determine the Site's eligibility for a removal action pursuant to CERCLA. Based on the results of this assessment, which confirmed the presence of CERCLA designated hazardous substances and the release or potential release of them on-site, the Site became eligible for a removal action, which commenced on September 27, 2013. Information regarding the removal can be found at the following website; <http://www.epa.gov/region2/superfund/removal/superiorbarrel/>.

While EPA seeks your cooperation in the continuing enforcement investigation, compliance with this Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information" and return that Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject your company to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with a Request for Information.

Some of the information EPA is requesting may be considered by your company to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions section which follows this letter, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the material stored at the Site, that information should be submitted within the time frame noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our Request for Information, it is necessary that you promptly notify EPA. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

See the enclosed Instructions for information on how to respond to the enclosed questions and/or information requests. Your response to this Request for Information should be mailed to:

Ms. Bonnie Hriczko  
Removal Action Branch  
U.S. Environmental Protection Agency, Region II  
2890 Woodbridge Avenue, MS-211  
Edison, New Jersey, 08837

A copy of your reply is required to be sent to:

Mr. William Tucker, Esq.  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region II  
290 Broadway, 17th Floor  
New York, New York, 10007

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, please contact Ms. Hriczko at (732) 321-6647. Inquiries from attorneys should be addressed to Mr. Tucker at (212) 637-3139.

We appreciate and look forward to your prompt response to this matter.

Sincerely yours,

Nicoletta DiForte, Senior Enforcement Policy Advisor  
Emergency and Remedial Response Division

Enclosures

**Instructions for responding to request for information****A. Directions**

1. A complete and separate response should be given for each question. For each question contained in this letter, if information or documents responsive to this information request are not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Identify each answer with the number of the question and the subpart to which it responds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
3. Provide responses to the best of your company's ability, even if the information sought was never put down in writing or if the written documents are no longer available. Consult with all present and past employees and agents of your company whom you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify each individual and any other source of information (including documents) that were consulted in the preparation of the response to the question.
5. If additional information or documents responsive to this Request becomes known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that your company supplement its response to EPA within 30 days from the date such information or documents became available to it.
6. If you have reason to believe that an individual other than one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number, and the reasons for your belief.
7. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the documents with their addresses.
8. If anything is omitted from a document produced in response to the Request for Information, state the reason for, and the subject matter of, the omission.

9. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be specific.
10. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.
11. Confidential Information: The information requested herein must be provided even though your company may contend that it includes confidential information or trade secrets. Your company may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, U.S.C. §§ 9604(E)(7)(e) and (F), Section 3007 (b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information your company submits to EPA, your company must prove that claim. For each document or response your company claims is confidential, your company must separately address the following points:

- a. the portions of the information alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by your company to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether your company asserts that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that your company satisfactorily show that it has taken reasonable measures to protect the confidentiality of the information and that it intends to continue to do so, and that it is not and has not been obtainable by legitimate means without your company's consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to your company.

## **B. Definitions**

1. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
2. The term "Site" shall mean the 798 Jacob Harris Lane property, which comprises the Superior Barrel and Drum Company, Inc. location.
3. The terms "the Company" and "your Company" shall mean the business addressee which is the recipient of this letter and its predecessors, successors, subsidiaries, divisions, branches, officers, managers, employees, contractors, trustees, partners, assigns or agents.
4. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances including pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
5. The term "hazardous substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances, products or other nonhazardous substances.
6. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home

telephone number, and present or last known job title, occupation, position or business.

7. With respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom this request is addressed.
8. The term "document" and "documents" includes any written, recorded computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
9. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, in any quantity, including but not limited to wastes as defined herein.
10. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discarding of any Container or other closed receptacle containing any hazardous substance, pollutant, or contaminant.
11. The term "SBD" shall mean Superior Barrel and Drum Company, Inc.
12. The term "RCRA" shall mean the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq.
13. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

### **REQUEST FOR INFORMATION**

1.
  - a. State the correct legal name of the Company.
  - b. Identify the legal status of the Company (corporation, partnership, specify if other) and the state in which the Company was organized.
  - c. State the names and addresses of the President, Chairman of the Board and the Chief Executive Officer of the Company.

- d. Provide the name of an attorney, if any, who will serve as the legal contact for your Company in this matter.
  - e. If your Company is a subsidiary or affiliate of another corporation, or has subsidiaries itself, identify each such entity and its relationship to your Company.
  - f. Identify the state and date of incorporation and the agent for service of process in the State of incorporation and in the State of New Jersey for your Company and for each entity identified in your response to Question 1(e), above.
  - g. If the Company is a successor to, or has been succeeded by another entity, identify each such other entity and provide the same information requested above for each.
  - h. If the Company transacted business with SBD in the name of an entity not already disclosed above, give the name of such entity and state its relationship to the Company.
2. State whether any of your Company's facilities has ever conducted any business transactions of any nature with Superior Barrel and Drum Company, Inc. ("SBD"), including but not limited to the sale, purchase, removal, disposal, treatment, or storage of any barrels, drums, totes, overpacks or other containers (hereinafter collectively referred to as "Containers"). Answer: \_\_\_ YES; \_\_\_ NO.
3. If your answer to Question 2, above, is yes, identify each Company facility involved in all such transactions and provide the following information for each facility:
- a. State the name and address of each facility and describe each facility's operations;
  - b. For each facility, describe the nature of business relationship between that facility and SBD, including the nature of services rendered or products sold;
  - c. Provide copies of any contracts, agreements or other arrangements between that facility and SBD;
  - d. Provide copies of all permits issued pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq.



("RCRA") for each facility; and

- e. Identify the EPA RCRA identification number, if any, for each facility.
4. If your answer to Question 2, above, is yes, did any of the transactions between any Company facility and SBD involve the transport or shipment of any Containers from that facility to SBD by any person, regardless of whether such Containers contained no material whatsoever, contained more or less than one inch of material, or may have been described as RCRA "empty"? Answer: \_\_\_ YES; \_\_\_ NO.
  5. If your answer to Question 4, above, is yes, for **each such transaction** provide the following information:
    - a. Identify the specific dates of each transaction, the Company facility involved with each transaction, the intended purpose of each transaction, and the number and type of Containers involved in each transaction;
    - b. Provide copies of all documents relating in any way to each transaction, including but not limited to copies of delivery receipts, invoices, bills of lading, purchase orders or payment devices; and
    - c. Identify all persons who might have knowledge of the transaction or who had any responsibility regarding the transaction.
  6. For each Company facility identified in response to Question 5, above, for the time period from 1974 to 2013:
    - a. Describe that facility's operations;
    - b. Identify all chemicals used as raw materials in that facility's operations;
    - c. Identify all chemicals contained in products produced at that facility;
    - d. Identify all chemicals used to clean equipment or machinery at that facility;
    - e. Identify the nature and chemical constituents of all waste streams at that facility and their disposition;
    - f. Identify any other chemicals used at that facility and describe their use; and
    - g. Provide all Material Safety Data Sheets (MSDS) for all chemicals listed in answer to this Question 6.
  7. Was any Container identified in response to Question 5, above, previously used to contain any material? Answer: \_\_\_ YES; \_\_\_ No. If your answer is yes, for each such Container provide the following:

- a. Identify each material previously contained within such Container, including its specific chemical constituents, physical state, quantity by volume and weight, and hazardous and other characteristics;
  - b. Provide all written analyses or other documents prepared for or relating to each such material which may be in the custody or control of the Company; and
  - c. Provide all material safety data sheets (MSDS) relating to each such material.
8. Did any Container that was the subject of any transaction identified in response to Question 5, above--contain **any material whatever**, in any quantity, at the time of its transport or shipment from the Company facility, regardless of whether or not it is or was ever alleged to be "empty" under RCRA, or alleged to contain less than one inch of material? Answer: \_\_\_\_YES; \_\_\_\_NO.
9. If your answer to Question 8 is yes, for each Container that contained any material whatever, in any quantity, at the time of its transport or shipment from the Company facility:
  - a. Identify each such material, including its specific chemical constituent(s), physical state, quantity by volume and weight, and hazardous and other characteristics;
  - b. Provide all written analyses or other documents prepared for or relating to each such material which may be in the custody or control of the Company; and
  - c. Provide all material safety data sheets (MSDS) relating to each such material.
10. Do you contend that any Container that was the subject of any transaction identified in response to Question 5, above, did NOT contain any material whatever, in any quantity, at the time of its transport or shipment from the Company facility? Answer: \_\_\_\_YES; \_\_\_\_NO.
11. If your answer to Question 10 is yes, for each such Container provide all facts upon which you rely for your assertion.
12. For those transactions identified in response to Question 5, was any treatment or cleaning of any Container performed by any person prior to the time that the

Container was transported or shipped from the Company to SBD, including any process or procedure by which the Container was emptied, drained, wiped or otherwise cleaned? Answer: \_\_\_\_YES; \_\_\_\_NO.

13. If your answer to Question 12, above, is yes, for each such Container provide a detailed description of all such treatment, including any emptying, draining, wiping or cleaning, and identify all chemicals used in such treatment or cleaning.
14. For each transaction identified in response to Question 5 involving any third-party transporter, identify each such transporter, including the name and address of such transporter, and identify in which of the transactions such transporter acted.
15. Identify each person consulted in responding to these questions and all questions on which he or she was consulted.
16. Identify any other person or entity (e.g., individual, company, partnership, etc.) having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title(s) and a description of the responsibilities.
17. Supply any additional information or documents that may be relevant or useful to identify other sources who disposed of or transported Containers to the Site.

**CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION**

Superior Barrel and Drum Site, Elk, Gloucester County, New Jersey

State of \_\_\_\_\_:

County of \_\_\_\_\_:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
TITLE (print or type)

\_\_\_\_\_  
SIGNATURE

Sworn to before me this \_\_\_\_  
day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Notary Public